

**THIRTY-SECOND DAY**  
(Tuesday, March 19, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Carriker, Dickson, Green, Harris of Tarrant, Johnson, Krier, Leedom, Lucio, Moncrief, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Zaffirini.

Absent: Bivins, Brown, Ellis, Haley, Harris of Dallas, Lyon, Montford, Turner, Whitmire.

Absent-excused: Brooks, Glasgow, Henderson.

The roll call reflected the lack of a quorum.

**LEAVES OF ABSENCE**

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Truan.

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Truan.

Senator Henderson was granted leave of absence for today on account of important business on motion of Senator Truan.

**ADJOURNMENT**

On motion of Senator Parker, the Senate at 11:07 a.m. adjourned until 11:00 a.m. tomorrow.

**THIRTY-THIRD DAY**  
(Wednesday, March 20, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Glasgow.

A quorum was announced present.

The Reverend Mark Steinmetz, Disciples of Christ Church, Austin, offered the invocation as follows:

This is the day the Lord has made; let us be glad and rejoice in it. O God, maker of heaven and earth, sustainer and redeemer of us all, this day provides us with the opportunity to once again find Thy great presence. In our comings and goings we would hope to more deeply discover Your grace and presence; to discover Your grace in Your gifts to us of loved ones, of friends and of family, and of the

community of others with whom we work and have our being; and to discover Your grace as well in the work You have given us to do.

O God, You are always ready to bestow Your gifts upon us, and ready to fashion some new wonder or surprise in our lives, or some new hope, or forgiveness, or strength and freshness and renewal.

You have placed in our minds the knowledge of good and evil, the knowledge of justice, and in our hearts the ability to love and show compassion. In our hearts You have placed the desire to express compassion, and with our hands to establish the grand vision of brotherhood on earth. In this State house too, You are present and we look to Your guidance for the conducting of State business. In the God of creation, redeemer and sustainer we take refuge, and pray to maintain the vision, and pray for God's continued guidance in our life and work. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 18, 1991, and of yesterday was dispensed with and the Journals were approved.

#### **LEAVE OF ABSENCE**

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

#### **CO-AUTHOR OF SENATE BILL 64**

On motion of Senator Green and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 64.

#### **CO-AUTHOR OF SENATE BILL 134**

On motion of Senator Tejeda and by unanimous consent, Senator Johnson will be shown as Co-author of S.B. 134.

#### **CO-AUTHORS OF SENATE BILL 275**

On motion of Senator Johnson and by unanimous consent, Senators Zaffirini and Rosson will be shown as Co-authors of S.B. 275.

#### **CO-AUTHOR OF SENATE BILL 444**

On motion of Senator Krier and by unanimous consent, Senator Dickson will be shown as Co-author of S.B. 444.

#### **CO-AUTHOR OF SENATE BILL 549**

On motion of Senator Green and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 549.

#### **CO-AUTHOR OF SENATE BILL 712**

On motion of Senator Sims and by unanimous consent, Senator Lyon will be shown as Co-author of S.B. 712.

#### **CO-AUTHOR OF SENATE BILL 825**

On motion of Senator Harris of Tarrant and by unanimous consent, Senator Montford will be shown as Co-author of S.B. 825.

#### **CO-AUTHOR OF SENATE BILL 839**

On motion of Senator Johnson and by unanimous consent, Senator Ellis will be shown as Co-author of S.B. 839.

**MESSAGE FROM THE HOUSE**

House Chamber  
March 20, 1991

HONORABLE BOB BULLOCK  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 170**, Relating to the creation of the County Court at Law No. 2 of Webb County. (As amended)

**H.C.R. 145**, Honoring Dr. Thomas F. Freeman on the occasion of his 40th anniversary as minister of the Mt. Horem Baptist Church.

**S.B. 278**, Relating to the authority of a municipality to secure a substandard building. (As amended)

**S.C.R. 48**, Inviting Carlos Salinas de Gortari, President of the Republic of Mexico, to address the Regular Session of the 72nd Legislature in Joint Session on Friday, April 12, 1991.

**H.C.R. 146**, Honoring John W. Hood, Jr., on his retirement from the United States Treasury Department.

**H.C.R. 151**, Honoring Quay Bayard McMahon for his achievements as a businessman and civic leader.

Respectfully submitted,

BETTY MURRAY, Chief Clerk  
House of Representatives

**REPORTS OF STANDING COMMITTEES**

Senator Truan, Vice-Chair, submitted the following report for the Committee on Health and Human Services:

**S.B. 526**  
**S.B. 751**  
**S.B. 508**  
**S.B. 847**  
**C.S.S.B. 381**

Senator Haley submitted the following report for the Committee on Administration:

**S.B. 1117**

Senator Green submitted the following report for the Committee on Jurisprudence:

**S.B. 750**  
**S.B. 450**  
**S.B. 364**  
**C.S.S.B. 304**  
**C.S.S.B. 85**  
**C.S.S.B. 33**

Senator Henderson, Vice-Chair, submitted the following report for the Committee on State Affairs:

S.B. 261  
S.B. 490

Senator Whitmire submitted the following report for the Committee on Intergovernmental Relations:

S.B. 990  
S.B. 814  
S.B. 437  
S.B. 770  
S.B. 461  
S.B. 1343  
S.B. 113  
S.B. 168  
S.B. 1019  
S.B. 549 (Amended)  
S.B. 575 (Amended)  
C.S.S.B. 406  
C.S.S.B. 934  
C.S.S.B. 110  
C.S.S.B. 559

Senator Montford submitted the following report for the Committee on Finance:

C.S.S.B. 151

Senator Lyon submitted the following report for the Committee on Criminal Justice:

H.B. 484  
S.B. 825

#### GUESTS PRESENTED

The President acknowledged the presence in the Senate of Mrs. Helen Green, wife of Senator Green; Mrs. Becki Whitmire, wife of Senator Whitmire; and Mrs. Rosie Moncrief, wife of Senator Moncrief.

The Senate extended a warm welcome to these ladies.

#### BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H.C.R. 75  
H.C.R. 98  
H.C.R. 113  
H.B. 723  
H.B. 724  
S.C.R. 38  
S.C.R. 50  
S.C.R. 56  
S.C.R. 73

**GUEST PRESENTED**

The President acknowledged the presence of State Treasurer Kay Bailey Hutchison.

The Senate welcomed Mrs. Hutchison.

**GUESTS PRESENTED**

Senator Ellis was recognized and introduced a large delegation of the Delta Sigma Beta Sorority.

The Senate welcomed these guests.

**GUEST PRESENTED**

Senator Barrientos was recognized and introduced to the Senate Janet Poage, a volunteer for the Wild Basin Wilderness Preserve, who is here in celebration of the first Canterbury Faire being held on March 23 and 24, 1991, at Waterloo Park.

The Senate welcomed Ms. Poage.

An enrolled copy of S.R. 370 was prepared in honor of the event and presented by the President. The resolution was previously adopted by the Senate on Monday, March 18, 1991.

**HOUSE BILLS ON FIRST READING**

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 30**, To Committee on Finance.
- H.B. 103**, To Committee on Education.
- H.B. 128**, To Committee on Economic Development.
- H.B. 538**, To Committee on State Affairs.
- H.B. 597**, To Committee on Criminal Justice.
- H.B. 629**, To Committee on Jurisprudence.
- H.B. 776**, To Committee on Education.
- H.B. 876**, To Committee on Intergovernmental Relations.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
March 20, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF TEXAS TECH UNIVERSITY BOARD OF REGENTS,  
for terms to expire January 31, 1997:

ELIZABETH (CISSY) CLARK WARD  
6328 Mercer  
Houston, Texas 77005

Ms. Ward will be replacing J. Fred Bucy of Dallas, whose term expired.

JOHN C. SIMS  
4407 15th Street  
Lubbock, Texas 79416

Mr. Sims will be replacing Dr. William Gordon McGee of El Paso, whose term expired.

TO BE A MEMBER OF TEXAS WOMAN'S UNIVERSITY BOARD OF REGENTS, for a term to expire February 1, 1997:

DARLENE TULLOS MEDRANO

3509 Pebble Beach Drive

Harlingen, Texas 78550

Ms. Medrano will be replacing Richard Stanton White, Jr., of Houston, whose term expired.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES, for a term to expire February 1, 1997:

IRMA CAULEY

2108 Chase Circle

Bryan, Texas 77803

Ms. Cauley will be replacing Gerald L. Garrett of Angleton, whose term expired.

TO BE A MEMBER OF THE TEXAS BOARD OF LICENSURE FOR NURSING HOME ADMINISTRATORS, for a term to expire January 31, 1997:

RUMALDO ZAPATA JUAREZ

336 Hollywood Drive

Edinburg, Texas 78539

Dr. Juarez will be replacing Donnie Hugh Hagan of Hewitt, whose term expired.

Respectfully submitted,

/s/Ann W. Richards

Governor of Texas

STATE OF TEXAS  
OFFICE OF THE GOVERNOR  
AUSTIN, TEXAS 78711

March 19, 1991

Ms. Betty King  
Secretary of the Senate  
State Senate  
Capitol Building  
Austin, Texas 78711

Dear Ms. King:

On March 7, 1991, Governor Richards appointed William T. Taylor, III to the Board of Regents of East Texas State University.

Please change your records to show his correct name as William J. Taylor, III.

Sincerely,

/s/Jane Hickie

Director of Appointments

**SENATE CONCURRENT RESOLUTION 82**

Senator Zaffirini offered the following resolution:

**S.C.R. 82**, Acknowledging the significant contributions of the women of Texas to the military of this state and nation and endorsing and supporting the series of forthcoming conferences.

The resolution was read.

On motion of Senator Zaffirini and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Upon recognition, Senator Zaffirini introduced a large delegation seated in the gallery today in honor of women in the military.

The Senate welcomed these guests.

#### **SENATE CONCURRENT RESOLUTION 80**

Senator Haley offered the following resolution:

**S.C.R. 80**, Granting the Senate and the House of Representatives permission to adjourn for more than three days during the period beginning on Wednesday, March 27, 1991, and ending on Tuesday, April 2, 1991.

The resolution was read.

On motion of Senator Haley and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### **SENATE RESOLUTION 386**

Senator Haley offered the following resolution:

**S.R. 386**, Commending the Hardin-Jefferson High School varsity boys basketball team for winning the Class 3A University Interscholastic League State Basketball Tournament.

HALEY  
PARKER

The resolution was read and was adopted by a viva voce vote.

#### **CAPITOL PHYSICIAN**

Senator Tejeda was recognized and presented Dr. Howard Frederick of San Antonio.

Dr. Frederick, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

#### **GUESTS PRESENTED**

Senator Lucio was recognized and introduced a delegation from the Texas State Teachers Association of Brownsville.

The Senate welcomed these guests.

#### **SENATE RESOLUTION 372**

Senator Parker offered the following resolution:

**S.R. 372**, Congratulating the Port Arthur Lincoln Bumble Bees on winning the Class 4A basketball state championship title.

The resolution was read and was adopted by a viva voce vote.

**(Senator Carriker in Chair)**

**SENATE BILL 63 WITH HOUSE AMENDMENTS**

Senator Ellis called **S.B. 63** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Committee Amendment - Uher**

Amend **S.B. 63** by substituting the following:

**A BILL TO BE ENTITLED  
AN ACT**

relating to refunding certain tuition and fees and assigning grades to certain students at institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 54.006, Education Code, is amended by adding Subsection (f) to read as follows:

(f) Beginning with the fall semester of 1990, if a student withdraws from an institution of higher education because the student is called to active military service, the institution, at the student's option, shall:

(1) refund the tuition and fees paid by the student for the semester in which the student withdraws;

(2) grant a student, who is eligible under the institution's guidelines, an incomplete grade in all courses by designating "withdrawn-military" on the student's transcript; or

(3) as determined by the instructor, assign an appropriate final grade or credit to a student who has satisfactorily completed an substantial amount of coursework and who has demonstrated sufficient mastery of the course material.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after the passage, and it is so enacted.

**Floor Amendment - Thomas**

Amend **C.S.S.B. 63** as follows:

Line 7 delete the word "fall" and insert "summer".

The amendments were read.

Senator Ellis moved to concur in the House amendments to **S.B. 63**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

**SENATE BILL 14 WITH HOUSE AMENDMENTS**

Senator Parker called **S.B. 14** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Committee Amendment No. 1 - Turner**

Amend **S.B. 14** as follows:

(1) On page 7, line 7, between "discharge" and "occurs" insert "of oil".



- (2) On page 8, line 11, between "discharge" and "from" insert "of oil".
- (3) On page 11, line 3, between "discharge" and the comma insert "of oil".
- (4) On page 13, strike the sentence that begins with "Such regional" on line 8 and ends on line 11.
- (5) On page 13, strike line 12 and substitute the following:  
"(d) The commissioner shall establish".
- (6) On page 13, line 21, between "improvement" and "following" insert "to the commissioner".
- (7) On page 13, strike line 23 and substitute the following: "(e) The state coastal discharge contingency plan shall include:".
- (8) On page 23, line 6, between "discharge" and the semicolon insert "of oil".
- (9) On page 23, line 10, between "discharge" and the semicolon insert "of oil".
- (10) On page 23, line 12, between "discharges" and the semicolon insert "of oil".
- (11) On page 26, line 5, after the period add the following: "Any vessel drill conducted by the commissioner shall be in cooperation and conjunction with the U.S. Coast Guard, and the commissioner's participation may not interfere with the schedule of the vessel.".
- (12) On page 30, lines 10-12, strike Subsection (c) in its entirety.
- (13) On page 34, line 5, between "fund" and the period insert "for the unauthorized discharge of a hazardous substance".
- (14) On page 35, line 22, strike "reimbursement".
- (15) On page 37, line 3, strike "to claimants".
- (16) On page 37, line 4, strike "to the claimants".
- (17) On page 38, line 21, between "discharge" and "to" insert "to an amount not to exceed \$1 million for vessels of 300 gross tons or less that do not carry oil as cargo,".
- (18) On page 39, line 3, between "discharge" and "to" insert "to an amount not to exceed \$1 million for vessels of 300 gross tons or less that do not carry oil as cargo,".
- (19) On page 51, line 11, between "of" and "discharge" insert "oil".
- (20) On page 51, line 12, before "discharge" insert "oil".
- (21) On page 51, line 14, between "of" and "discharges" insert "unauthorized" and between "discharges" and the comma insert "of oil".
- (22) On page 52, line 13, strike "and".
- (23) On page 52, strike line 15 and substitute the following: "Commission;  
and".
- (24) On page 52, between lines 15 and 16 insert the following:  
"(10) the county judges of Cameron, Willacy, Kenedy, Kleberg, Nueces, San Patricio, Aransas, Calhoun, Jackson, Matagorda, Brazoria, Galveston, Harris, Jefferson, Orange, Chambers and Refugio."
- (25) On page 58, strike line 15 and 16 and substitute the following: "chapter does not apply to discharges of oil covered under Chapter 40, Natural Resources Code.".
- (26) On page 58, line 19, after "HAZARDOUS" insert "SUBSTANCE".
- (27) On page 62, after line 25, between Sections 9 and 10 of the bill, add a new Section 10 to read as follows, and renumber subsequent sections:  
SECTION 10. There is hereby appropriated from the coastal protection fund to the comptroller of public accounts \$227,000 for fiscal year 1991 and \$155,000 for fiscal year 1992 for the purpose of administering the collection of fees under this Act.

**Amendment to Committee Amendment No. 1 - Berlanga**

Amend Committee Amendment No. 1 to S.B. 14 as follows:

On page 3 of Committee Amendment No. 1, substitute the following for item (27), line 11:

(27) Between Sections 9 and 10 of the bill, add new Sections 10-13 to read as follows and renumber subsequent sections:

SECTION 10. This section is contingent upon this Act becoming effective from and after its passage. There is hereby appropriated from the general revenue fund to the comptroller of public accounts, \$227,000 for the fiscal year ending August 31, 1991 for administering the collection of fees under this Act.

SECTION 11. This section is contingent upon this Act not becoming effective from and after its passage. There is hereby appropriated from the general revenue fund to the comptroller of public accounts, \$227,000 for the fiscal year ending August 31, 1992 for administering the collection of fees under this Act.

SECTION 12. From the first revenue deposited into the coastal protection fund, the comptroller shall transfer \$227,000 from that fund to the general revenue fund as reimbursement for amounts appropriated above.

SECTION 13. There is hereby appropriated from the coastal protection fund to the comptroller of public accounts \$155,000 for the fiscal year ending August 31, 1992 and \$152,000 for the fiscal year ending August 31, 1993 for the purpose of administering the collection of fees under this Act.

**Committee Amendment No. 2 - Turner**

Amend S.B. 14 on page 3, line 16, by striking "navigable" and substituting "accessible from tidal waters".

**Floor Amendment to Committee Amendment No. 2 - Earley**

Amend Committee Amendment No. 2 to S.B. 14 to read as follows:

(a) on page 3, line 15, by deleting the comma after the word "influence" and substituting a period, and striking the remaining language through line 17.

(b) on page 5, on line 1, insert after the phrase "or at" the phrase "a place adjacent to coastal waters where, unless controlled or removed, an imminent threat of pollution to coastal waters exists." and delete the remaining language through line 3.

(c) on page 7, on line 20, insert the phrase "from an unauthorized discharge" after the word "oil", and the word "waters," after the word "adjacent".

(d) on page 8, on line 16, insert the phrase ", or any discharge of oil emanating from a vessel into waters adjoining and accessible from coastal waters, that is" immediately before the phrase "not authorized by".

(e) on page 24, line 10, insert the phrase "that operates in coastal waters or waters adjoining and accessible from coastal waters" after the word "cargo".

(f) on page 37, line 21, insert the phrase "or waters adjoining and accessible from coastal waters" after the word "waters".

**Committee Amendment No. 3 - Ogden**

Amend S.B. 14 as amended:

(1)(a) On page 8, line 15, insert Subsection 40.003(23) to read as follows:

(23) "Trained personnel" means one or more persons who have satisfactorily completed an appropriate course of instruction developed under Section 40.302 of this act and/or all other training requirements as determined by the commissioner.

- (b) Renumber existing subsections accordingly.
- (2) On page 19, line 1, between “and” and “personnel”, insert “trained”.
- (3) On page 21, line 3, between “and” and “personnel”, insert “trained”.
- (4) On page 24, line 19, between “officer” and “who”, insert “who satisfies the definition of trained personnel as provided by Section 40.003 of this chapter and”
- (5) On page 25, line 7, between “and” and “personnel”, insert “trained”.
- (6) On page 25, line 21, between “the” and “personnel”, insert “trained”.
- (7)(a) On page 27, line 7, insert Subsection 40.117(a)(9) to read as follows:  
(9) requirements for certification as trained personnel;
- (b) Renumber existing subsections accordingly.

#### **Committee Amendment No. 4 - Earley**

Amend S.B. 14 as follows:

(1) On page 28, line 7, strike “The” and insert the following: “Except as provided by Subsection (e) of this section, the”.

(2) On page 28, between lines 13 and 14, add new Subsection (e) to read as follows:

“(e) Income on the investment after the first \$50 million of coastal protection fees collected under Sec. 40.154 of this code and deposited in the fund, in an amount not to exceed \$5 million shall be transferred to the credit of the Texas Water Commission for the Texas Spill Response Fund, and an amount not to exceed \$5 million shall be transferred to the Railroad Commission for the well plugging fund. Income on the investment of that \$50 million in excess of \$10 million shall be credited to general revenue.”

#### **Amendment to Committee Amendment No. 4 - Earley**

Amend Committee Amendment No. 4 to S.B. 14 as follows:

(1) On page 67, line 27, strike “after” and substitute “of”, and strike “\$50” and substitute “\$25”.

(2) On page 68, line 4, between “and” and “an” insert “after that transfer”.

(3) On page 68, line 6, strike “\$50” and substitute “\$25”.

#### **Committee Amendment No. 5 - Earley**

Amend S.B. 14, on page 11, line 13, by adding after the last sentence, a sentence to read as follows:

“Nothing in this chapter preempts the jurisdiction of the Railroad Commission under Article 6053-1, Revised Statutes, and Chapter 117, Natural Resources Code over pipeline transportation of gas and hazardous liquids and over gas and hazardous liquid pipeline facilities.

#### **Committee Amendment No. 6 - Earley**

Amend S.B. 14, on page 59, line 16, by deleting the clause “transportation spills and”

#### **Committee Amendment No. 7 - Shelley**

Amend S.B. 14 on page 16, between lines 20 and 21, by inserting the following:

“(c) In order to prevent duplication of effort between state agencies, the commissioner shall utilize the expertise of the Texas Water Commission on technical and scientific actions, including but not limited to:

- (1) taking samples in the spill area;
- (2) assure proper placement of containment and cleanup equipment by contractors and discharge cleanup organizations;

- (3) monitoring meteorological conditions that may affect spill response operations; and
- (4) regulating disposal of spilled material."

**Committee Amendment No. 9 - Shelley**

Amend S.B. 14 on page 60, between lines 19 and 20, by inserting the following:

"Nothing in this subchapter shall require the state on-scene coordinator to defer to federal authority, unless preempted by federal law, if remedial action is unduly delayed or is ineffective."

**Floor Amendment No. 1 on Third Reading - Ogden, Berlanga, A. Smith**

Amend S.B. 14 as follows:

- (1) On page 37, line 21, between "a" and "terminal", insert "any" and between "facility" and "shall", insert "subject to this code".
- (2) On page 37, line 24, strike the period and insert "or a lesser amount as provided in this chapter."
- (3) On page 38, line 3, strike "or terminal facility".
- (4) On page 38, line 5, insert a period after "code" and strike the remainder of the original sentence.

The amendments were read.

Senator Parker moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on S.B. 14 before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Parker, Chair; Armbrister, Brooks, Sims and Truan.

**COMMITTEE SUBSTITUTE  
SENATE BILL 352 ON THIRD READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

**C.S.S.B. 352**, Relating to the continuation and functions of the State Department of Highways and Public Transportation.

The bill was read.

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 7**

Amend C.S.S.B. 352, SECTION 15, by deleting Section 2 of new Art. 6673g in its entirety and by substituting a new Section 2 to read as follows:

Sec. 2. ENVIRONMENTAL ADVISORY COMMITTEE. (a) The governor, the lieutenant governor, and the speaker of the house of representatives each shall appoint two members to a committee to advise the commission on rules and policies of the department that may affect the environment.

(b) The advisory committee consists of six members, each of whom represents the general public. A member serves at the pleasure of the officer appointing the member. A member of the advisory committee is not entitled to receive compensation for serving as a member but is entitled to reimbursement for reasonable expenses incurred in performing duties as a member of the advisory committee.

(c) The commission may adopt rules to govern the operations of the advisory committee.

The amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following amendment to the bill:

**Floor Amendment No. 8**

Amend C.S.S.B. 352 to delete Art. 6673h, relating to BICYCLE ROAD USE; in SECTION 16, at page 9, line 31.

The amendment was read.

On motion of Senator Barrientos and by unanimous consent, the amendment was tabled by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

The bill as amended was finally passed by a viva voce vote.

(President in Chair)

**SENATE BILL 492 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 492**, Relating to the access to information for epidemiologic and toxicologic investigations by the Texas Department of Health.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 492 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 492 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 493 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 493**, Relating to certain regulatory functions under the Texas Radiation Control Act.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 493 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 493 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

**HOUSE BILL 169 ON SECOND READING**

Pursuant to Senate Rule 5.10, the President laid before the Senate on its second reading and passage to third reading:

**H.B. 169**, Relating to an action on a deficiency on a debt secured by a real property following a foreclosure sale of the property.

The bill was read second time.

Senator Parker offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **H.B. 169** in Section 1, by deleting Subsections (d), (e), and (f) and substituting new Subsection (d) as follows:

(d) Any money received by a lender from a private mortgage guaranty insurer shall be credited to the account of the borrower prior to the lender bringing an action at law for any deficiency owed by the borrower. Notwithstanding the foregoing, the credit required by this subsection shall not apply to the exercise by a private mortgage guaranty insurer of its subrogation rights against a borrower or other person liable for any deficiency.

The committee amendment was read and was adopted by a viva voce vote.

Senator Parker offered the following committee amendment to the bill:

**Committee Amendment No. 2**

Amend **H.B. 169** by adding the following after the word "value" on page 1, line 18:

Competent evidence of value may include, but is not limited to, the following: (1) expert opinion testimony; (2) comparable sales; (3) anticipated marketing time and holding costs; (4) costs of sale; and (5) the necessity and amount of any discount to be applied to the future sales price or the cashflow generated by the property to arrive at a current fair market value.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**RECORD OF VOTE**

Senator Brown asked to be recorded as voting "Present-not voting" on the passage of the bill to third reading.

**HOUSE BILL 169 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 169** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Brown.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 186 ON SECOND READING**

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 186**, Relating to the determination of the resources of a person obligated to pay child support.

The bill was read second time.

Senator Dickson offered the following amendment to the bill:

Amend **C.S.S.B. 186** by striking all below the enacting clause and substituting in lieu thereof the following:

**SECTION 1.** Subsection (b), Section 14.053, Family Code, is amended to read as follows:

(b) Net Resources Defined. "Net resources," for the purpose of determining child support liability, are 100 percent of all wage and salary income and other compensation for personal services (including commissions, overtime pay, tips, and bonuses), interest, dividends, royalty income, self-employment income (as described in Subsection (c) of this section), net rental income (defined as rent after deducting operating expenses and mortgage payments, but not including noncash items such as depreciation), and all other income actually being received, including but not limited to severance pay, retirement benefits, pensions, trust income, annuities, capital gains, social security benefits, unemployment benefits, disability and workers' compensation benefits, interest income from notes but not including return of principal or capital, and/or accounts receivable regardless of the source, gifts and prizes, spousal maintenance, and alimony, less (subtracting) 100 percent of social security taxes, federal income tax withholding for a single person claiming one personal exemption and the standard deduction, union dues, and expenses for health insurance coverage for the obligor's child. Benefits paid pursuant to aid for families with dependent children and any other child support received from any source shall be disregarded in calculating net resources.

**SECTION 2.** The change in law made by this Act applies only to an order of child support entered on or after the effective date of this Act.

**SECTION 3.** This Act takes effect September 1, 1991.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Tarrant and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 186 ON THIRD READING**

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 186 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE CONCURRENT RESOLUTION 52 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

C.S.S.C.R. 52, Directing the Texas Higher Education Coordinating Board to establish an advisory council of women faculty and administrators to assist in assessing the severity of underrepresentation of women in all ranks of tenure line faculty and to make recommendations for action to correct it to be presented to the chair of the Senate Education Committee.

The resolution was read second time and was adopted by a viva voce vote.

**SENATE BILL 323 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 323, Relating to the continuation and operation of the State Pension Review Board.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 323 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 323 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 603 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:



**C.S.S.B. 603**, Relating to the Texas Incentive and Productivity Commission.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 603 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 603** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 360 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 360**, Relating to voting by and the cancellation of the voter registrations of persons whose names appear on the lists of returned registration certificates.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 360 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 360** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by a viva voce vote.

**MEMORIAL RESOLUTIONS**

**S.R. 379** - By Bivins: In memory of well-respected community leader Bryce V. Beard of Amarillo.

**S.R. 390** - By Ratliff, Brown: In memory of Bobby Maples.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**H.C.R. 84** - (Dickson): Commending L. G. "Dusty" and Helen Rhodes for their generosity and commitment to the well-being of the children of their community.

**H.C.R. 104** - (Ratliff): Honoring Hazelle Carson on the occasion of her retirement.

**H.C.R. 151** - (Montford): Honoring Quay Bayard McMahon for his achievements as a businessman and civic leader.

**S.R. 371** - By Parker: Recognizing Joseph M. Misbrenar for his exceptional contributions to employee relations in the oil industry through his service to the Oil, Chemical and Atomic Workers International Union.

**S.R. 373** - By Barrientos: Commending the Reverend George V. Clark of Mount Zion Baptist Church of Austin for his many years of devoted service to his congregation and the citizens of Texas.

**S.R. 374** - By Green: Recognizing Clinton Park Community in Houston on the occasion of Clinton Park Community Day, a celebration of the community's 50 years of existence.

**S.R. 375** - By Ellis: Commending the Gulf Coast Chapter of People Against Violent Crime during 1991 National Victims Rights Week for providing exemplary services to victims of crime and to the citizens of Houston, Harris County.

**S.R. 376** - By Barrientos: Welcoming the members of Delta Sigma Theta Sorority, Incorporated, and designating March 20, 1991, "Delta Day" at the Capitol.

**S.R. 377** - By Barrientos: Paying tribute to the women of the United States on the occasion of Women's History Month.

**S.R. 378** - By Barrientos: Recognizing Hubert Bechtol of Austin on his recent election to the National Football Foundation's College Football Hall of Fame.

**S.R. 381** - By Sibley: Extending congratulations to the Duncanville Pantherettes girls basketball team on winning the 5A State Championship for three consecutive years.

**S.R. 382** - By Sibley: Extending congratulations to the Duncanville Panthers boys basketball team and their outstanding coaches for winning the 1991 5A State Championship.

**S.R. 383** - By Parker: Extending congratulations to teacher Laurie Beard and her fourth grade class at Orangefield Elementary for winning the grand prize in a contest sponsored by the Scholastic News for their project entitled "Kids Care."

**S.R. 384** - By Dickson: Extending congratulations to Dr. Joseph D. Stamey, McMurry University professor of philosophy, for being named 1990 Texas Professor of the Year by the Council for the Advancement and Support of Education (CASE) of Washington, D.C.

**S.R. 385** - By Dickson: Extending best wishes to Dr. L. Harlan Ford, President of the University of Central Texas at Killeen, on his retirement and commending him for his dynamic leadership over the past 10 years.

**S.R. 388** - By Sibley: Honoring the members of the Sibley family on the grand occasion of their annual reunion on March 23 through 24, 1991, in Reagor Spring, Ellis County.

#### ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:23 p.m. adjourned, in memory of Mel Collins of Umland and United States Army Private First Class Marty Davis, until 11:00 a.m. tomorrow.

#### APPENDIX

Sent to Governor  
(March 19, 1991)

**S.B. 61**  
**S.C.R. 72**

**In Memory  
of  
Mel Collins**

Senator Barrientos offered the following resolution:

**(Senate Resolution 310)**

WHEREAS, The Senate of the State of Texas joins with the citizens of Uhlend in mourning the tragic loss of Mel Collins who died February 24, 1991; and

WHEREAS, The first Hays County casualty of the Persian Gulf War, Mel Collins had been in the Middle East since last December; and

WHEREAS, Brave and dedicated, Mel Collins met his death while attempting to defuse a land mine in the desert near Kuwait; and

WHEREAS, Born in Muleshoe, Texas, he grew up in Levelland and became a carpenter; he had been in the Army since 1985 and was stationed at Fort Riley, Kansas, when he was called to go to the Persian Gulf; and

WHEREAS, He was devoted to his family and to his Christian faith and was a patriotic and loyal soldier; and

WHEREAS, Cheerful, enthusiastic, and honorable, he lived life to the fullest and gave willingly of his time to help his fellowman; and

WHEREAS, Mel Collins leaves behind a legacy of courage and love and memories forever to be cherished by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby extend sincere condolences to the bereaved family of Mel Collins: his wife, Ruth Collins; his children, Betty Collins and David Collins; and his father-in-law and mother-in-law, Mr. and Mrs. Ike Herrington; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Mel Collins.

**BARRIENTOS  
BIVINS**

The resolution was read.

On motion of Senator Bivins and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

An enrolled copy of S.R. 310 was presented by the President to Mrs. Ruth Collins and her mother, Mrs. Herrington. The Senate previously adopted the resolution on Monday, March 11, 1991.

**In Memory  
of  
United States Army Private First Class  
Marty Davis**

Senator Zaffirini offered the following resolution:

**(Senate Resolution 350)**

WHEREAS, The Senate of the State of Texas joins with the family and friends of United States Army Private First Class Marty Davis in mourning his tragic death in the Persian Gulf War; and

WHEREAS, Since an early age Marty had a deep love of his country and after he graduated from Salina South High School in Salina, Kansas, in 1989, he joined the United States Army; and

WHEREAS, Following a family tradition of military service, Marty fulfilled a lifelong dream when he became a soldier in the United States Infantry, serving with great courage and dignity; and

WHEREAS, A committed Christian, he frequently expressed his strong, unwavering faith, which was of great sustenance to him throughout the fighting in the Middle Eastern desert; and

WHEREAS, A man of exemplary valor and integrity, Private Davis is indeed a Texas hero who brought honor to his family, state, and nation; and

WHEREAS, Marty was a loyal friend and devoted to his beloved family; his warmth, humor, and kind spirit will remain forever in the hearts and minds of all those who knew him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby pay tribute to the brave and noble life of United States Army Private First Class Marty Davis and extend heartfelt condolences to the members of his family: his parents, Sergeant and Mrs. Nathaniel Hudson; his sisters, Maliaka, Natalie, and Alexandria Hudson; and his brother, Daniel Hudson; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of United States Army Private First Class Marty Davis.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was previously adopted by the Senate on Wednesday, March 13, 1991.